

IN THE MATTER OF
THE APPLICATION OF
JOHN CHARLES GILBERT
FOR A SPECIAL EXCEPTION ON PROPERTY
LOCATED ON THE WEST SIDE OF EGGES
LANE, 112' NORTHWEST OF THE CENTER
LINE OF MELROSE AVENUE
(17 EGGES LANE)
1st ELECTION DISTRICT
1st COUNCILMANIC DISTRICT

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
CASE NO. 89-139-X

OPINION

This case comes before this Board on appeal from a decision of the Deputy Zoning Commissioner denying the Petition for Special Exception. Prior to the taking of any testimony, Counsel for the Appellant/Petitioner on the record noted that he was withdrawing the appeal taken from the Deputy Zoning Commissioner's Order with the stipulation that his client be granted 90 days to cease the existing service garage operation presently on-going on the site. People's Counsel enjoined in this stipulation to grant the Petitioner the 90 days to cease the existing operation.

ORDER

It is therefore this 25th day of July, 1989 by the County Board of Appeals of Baltimore County ORDERED that the Motion to Withdraw the Appeal from the Deputy Zoning Commissioner's Order be and the same is GRANTED and that the Petitioner be allowed 90 days from the date of this Order to cease the existing operation.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William P. Hackett
William P. Hackett, Chairman
D. Lynn B. Moreland
Lynn B. Moreland
John G. Disney
John G. Disney



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
1111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

July 25, 1989

Francis Lanasa, Esquire
10 Light Street
Baltimore, MD 21202

RE: Case No. 89-139-X
John Charles Gilbert

Dear Mr. Lanasa:

Enclosed is a copy of the Board's final Opinion and Order issued this date in the subject matter.

Sincerely,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Assistant

Encl.

cc: Mr. John C. Gilbert
Mr. George Rosner
Mr. & Mrs. John S. Cezar
Mr. Paul E. Stack
Mr. Brian Nippard
Ms. Shirley Nippard
Mr. Lewis S. Nippard
Mr. James W. Mohler
People's Counsel for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Docket Clerk - Zoning
Arnold Jablon, County Attorney

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

February 16, 1989



Dennis F. Rasmussen
County Executive

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Special Exception
W/S Egges Lane, 112' NW of the c/l of Melrose Avenue
(17 Egges Lane)
1st Election District, 1st Councilmanic District
JOHN CHARLES GILBERT - Petitioner
Case No. 89-139-X

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on February 13, 1989 by Francis Lanasa on behalf of the Petitioner and John S. Cezar, Tenant. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures

cc: John Charles Gilbert, 2415 N. Rolling Road, Baltimore, Md. 21207
Francis Lanasa, 10 South Street, Baltimore, Md. 21202
George Rosner, 15 Egges Lane, Baltimore, Md. 21228
Mr. & Mrs. John S. Cezar, 3723 Lochearn Drive, Balto., Md. 21207

Paul E. Stack, Central Catonsville Neighborhood Association
P.O. Box 9434, Catonsville, Md. 21228

Mr. Brian Nippard, 27 Egges Lane (#2), Catonsville, Md. 21228

Ms. Shirley Nippard, 11550 Homewood Road, Ellicott City, Md. 21043

Lewis S. Nippard, 3701 Court House Drive, Ellicott City, Md. 21043

James W. Mohler, 7 Somerset Road, Catonsville, Md. 21228

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

File

to, decreasing the value of the properties and further intensifying parking problems. She further testified she was concerned about the tenant's improper handling of waste products by leaving tanks and open containers about the property from time to time.

Brian Nippard, a resident of 27 Egges Lane for the past three years, testified in opposition indicating that in his opinion the proposed use will result in traffic congestion and parking problems. He further indicated that he is concerned about the open containers he has seen on the property on several occasions.

James Mohler, Director of Catonsville 2000, Inc., testified that on October 25, 1988 the Association voted unanimously to oppose Petitioner's request. In their opinion, the proposed use is too intense for the surrounding community.

It is clear that the B.C.Z.R. permits the use proposed in a B.L.-C.C.C. zone by special exception. The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner has not shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The site plan presented by Petitioner does not provide adequate space for proper storage of damaged and disabled vehicles the tenant has kept on the property in the past 16 months as required under Section 405.A. The facts and circumstances show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have an adverse impact above and beyond that inherently associated with

IN RE: PETITION FOR SPECIAL EXCEPTION
W/S Egges Lane, 112' NW of the
c/l of Melrose Avenue
(17 Egges Lane)
1st Election District
1st Councilmanic District
John Charles Gilbert
Petitioner

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 89-139-X

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special exception for a service garage in accordance with Petitioner's Exhibit 1.

The Petitioner appeared, testified and was represented by Francis C. Lanasa, Esquire. Also appearing on behalf of the Petition were George Rosner, adjoining property owner, and John S. Cezar, Tenant. Appearing as Protestants in the matter were Paul E. Stack on behalf of the Central Catonsville Neighborhood Association, Brian Nippard, Shirley G. Nippard, Lewis S. Nippard, Esquire, and James W. Mohler for Catonsville 2000, Inc.

Testimony indicated that the subject property, known as 17 Egges Lane, is zoned B.L.-C.C.C., consists of 0.198 acres plus or minus and is currently improved with a two-story frame duplex in the front of the property and a concrete block two-bay garage in the rear of the property. Testimony indicated that Mr. Gilbert purchased the property approximately 18 months ago and made vast improvements to the two-story frame dwelling. Petitioner rented the rear building to John Cezar for use as an automobile repair shop, including body and fender work. Mr. Gilbert testified that after learning such use of the property was not permitted as a matter of right, at the expiration of the year lease, he placed Mr. Cezar on a month-to-month lease pending the outcome of this hearing.

ORDER RECEIVED FOR FILING
Date 1/31/89
By [Signature]

John Cezar testified that he has rented the rear garage for automobile repairs since August, 1987. He indicated that he does minor maintenance repairs including break work, air pump work, tune-ups, etc., along with body and fender work, including spray painting. Mr. Cezar indicated his business hours are 9:00 AM to 5:00 PM weekdays and 9:00 AM to 1:00 PM on Saturdays. Mr. Cezar testified he has only one part-time employee working out of the garage with him but at some time would like to have a full time employee. Mr. Cezar indicated there is very little traffic generated by this business and estimated there are a maximum of 10 to 15 cars serviced in any given week. He further testified disabled/unlicensed vehicles may be working on may be parked there for an extended period of time, including but not limited to, up to one month. When questioned by Counsel as to their opinion regarding the conditions set forth in Section 502.1, both Mr. Cezar and Mr. Gilbert indicated they believed all requirements are being met and will be met. Petitioners do not believe the operation of the service garage as proposed will have any adverse effect on the health, safety or general welfare of the community. Testimony presented by Petitioners indicated that in their opinion the service garage operation does not cause traffic problems and is in keeping with the commercial zoning and commercial properties in the surrounding area. To support his case, Petitioner introduced as Petitioner's Exhibit 4 a petition signed by numerous residents of Egges Lane and Melrose Avenue indicating their approval of the use of the property by the Tenant as "Carjo Auto Care." Petitioners acknowledged the subject property also abuts a residential area.

George Rosner testified he owns the adjoining duplex home at 15 Egges Lane and has lived at this location for the past two years. He indi-

cated in his opinion the service garage is well-maintained. Mr. Rosner testified that most of the time he is not aware that there is a service garage operation in the rear yard. He further testified that he has not noticed any increase in the traffic or any problems as a result of the service garage operation out of the subject property.

Testifying in opposition to the relief requested, Mr. Stack indicated that the Central Catonsville Neighborhood Association is opposed to Petitioner's request. Mr. Stack testified that in his opinion the service garage operation at this location creates a traffic problem and intensifies an already existing parking problem. He testified that Egges Lane is a one-way southbound street that, at its widest section, is 18 feet wide and cannot handle the traffic generated by this type of business, including but not limited to, the tow trucks which bring disabled cars to the site. Mr. Stack expressed concern that the number of damaged or disabled vehicles he has observed over the past 18 months being parked at this location far exceed the one space that Petitioner has provided on the site for car storage as depicted in the site plan. He further expressed concern about Petitioner's disposal of waste. Mr. Stack argued many of the requirements set forth in Section 502.1 would not be met if the special exception was granted.

Mrs. Nippard testified that she is familiar with the property, having been raised in the area and a property owner for many years. She indicated that her mother is the present owner of the adjoining property at 19 Egges Lane. Mrs. Nippard has the power of attorney for her mother who was unable to attend due to her present health condition. She testified in her opinion that the granting of the special exception will have an adverse affect on the surrounding community, including, but not limited

ORDER RECEIVED FOR FILING
Date 1/31/89
By [Signature]

such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

After reviewing all of the testimony and evidence presented, it appears that the special exception should not be granted.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, it appears that the requirements of Section 502.1 have not been met and the health, safety, and general welfare of the community shall be adversely affected. Therefore, the relief requested in the special exception should be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 13th day of January, 1989 that the Petition for Special Exception for a service garage in accordance with Petitioner's Exhibit 1 be and is hereby DENIED.

Ann M. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:ljs

ORDER RECEIVED FOR FILING
Date 1/31/89
By [Signature]

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353
J. Robert Haines
Zoning Commissioner

January 13, 1989

Francis C. Lanasa, Esquire
10 South Street
Baltimore, Maryland 21202

RE: PETITION FOR SPECIAL EXCEPTION
W/S Egges Lane, 112' NW of the c/l of Melrose Avenue
(17 Egges Lane)
1st Election District - 1st Councilmanic District
John C. Gilbert - Petitioner
Case No. 89-139-X

Dear Mr. Lanasa:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

J. Robert Haines

J. ROBERT HAINES
Deputy Zoning Commissioner
for Baltimore County

AMW:bjs

cc: Mr. Paul E. Stack, Director
Central Catonsville Neighborhood Assn.
P.O. Box 9434, Catonsville, Md. 21228

Lewis S. Nippard, Esquire
3701 Courthouse Drive, Ellicott City, Md. 21043

Mr. James W. Mohler, Director
Catonsville 2000, Inc.
Somerset Road, Catonsville, Md. 21228

People's Counsel

File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353
J. Robert Haines
Zoning Commissioner

10/31/88

NOTICE OF HEARING

Dennis F. Rasmussen
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Exception
CASE NUMBER: 89-139-X
W/S Egges Lane, 112' NW c/l Melrose Avenue
(17 Egges Lane)
1st Election District - 1st Councilmanic District
Petitioner(s): John Charles Gilbert
HEARING SCHEDULED: TUESDAY, DECEMBER 13, 1988 at 2:00 p.m.

Special Exceptions Service Garage

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Mr. John C. Gilbert
Dean O'Leary Musgrave, Esq.
Fill

Mr. Florence Stack

J. Robert Haines

IF PHASE II OF THE SHIM EMERGENCY PLAN IS IN EFFECT IN BALTIMORE COUNTY BY 8:30 a.m. ON THE DATE OF THE ABOVE HEARING, SUCH HEARING WILL BE POSTPONED AND TENTATIVELY RESCHEDULED FOR THURSDAY, JANUARY 12, 1989. PLEASE TELEPHONE DICKET CLERK AT 494-3351 or 897-3351 TO CONFIRM DATE.

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for Service garage

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

John Charles Gilbert

John Charles Gilbert

Signature

(Type or Print Name)

Signature

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Address

City and State

Name

Address

City and State

Name

Address

City and State

Name

Address

City and State

Name

Address

City and State

Name

Address

City and State

Name

Address

City and State

Name

Address

City and State

Name

Address

City and State

Name

Address

City and State

Name

Address

City and State

Name

Address

City and State

Name

Address

City and State

Name

Address

City and State

Name

Address

City and State

Name

Address

City and State

Name

Address

City and State

Name

Address

City and State

Name

Address

City and State

Name

Address

City and State

Name

Address

City and State

Name

Address

City and State

Name

Address

City and State

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
W/S Egges La., 112' NW C/L
Melrose Ave. (17 Egges La.) : OF BALTIMORE COUNTY
1st Election District :
1st Councilmanic District :

JOHN CHARLES GILBERT, Petitioner: Case No. 89-139-X

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 21st day of September, 1988, a copy of the foregoing Entry of Appearance was mailed to Mr. John C. Gilbert, 2415 N. Rolling Rd., Baltimore, MD 21207, Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

Date: 10/7/88



Dennis F. Rasmussen
County Executive

Re: Petition for Special Exception
45 Egges Lane, 112' NW c/l Melrose Avenue
(17 Egges Lane)
1st Election District - 1st Councilmanic
Petitioner(s): John Charles Gilbert
HEARING SCHEDULED: WEDNESDAY, OCTOBER 19, 1988 at 9:00 a.m.

Dear Mr. Gilbert:

Please be advised that \$90.51 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

Please note that should you fail to return the sign and post set(s), there will be an additional \$25.00 added to the above fee for each set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

JRH:gs
cc: File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

NOTICE OF HEARING



Dennis F. Rasmussen
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Exception
CASE NUMBER: 89-139-X
45 Egges Lane, 112' NW c/l Melrose Avenue
(17 Egges Lane)
1st Election District - 1st Councilmanic
Petitioner(s): John Charles Gilbert
HEARING SCHEDULED: WEDNESDAY, OCTOBER 19, 1988 at 9:00 a.m.

Special Exception: Service Garage

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Mr. Gilbert
File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353 / 887-3353

J. Robert Haines
Zoning Commissioner

Date: DEC 8 1988



Dennis F. Rasmussen
County Executive

Mr. John C. Gilbert
2415 N. Rolling Road
Baltimore, Maryland 21207

Re: Petition for Special Exception
Case Number: 89-139-X
(17 Egges Lane)
1st Election District - 1st Councilmanic
Hearing Scheduled: Tuesday, December 13, 1988 at 2:00 p.m.

Dear Mr. Gilbert:

Please be advised that \$155.49 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE, REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 12/15/88 ACCOUNT: R-01-615-000

RECEIVED: 155.49

FOR: John Charles Gilbert 10-19-88

POSTING: 12-13-88

FOR: 89-139-X

VALIDATION OR SIGNATURE OF CASHIER

JRH:gs
cc: Dawn Oxley Musgrave, Esq.,
File

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

89-139-X

District: 1st
Date of Posting: 2-23-89
Posted for: Appeal
Petitioner: John Charles Gilbert
Location of property: West side of Egges Lane, NW of the
Ch. of St. John's (17 Egges Lane)
Location of Sign: On front of 17 Egges Lane
Remarks: See notes
Posted by: J. Robert Haines
Number of Signs: 1
Date of return: 2-24-89

CERTIFICATE OF PUBLICATION

TOWSON, MD, September 26, 1988

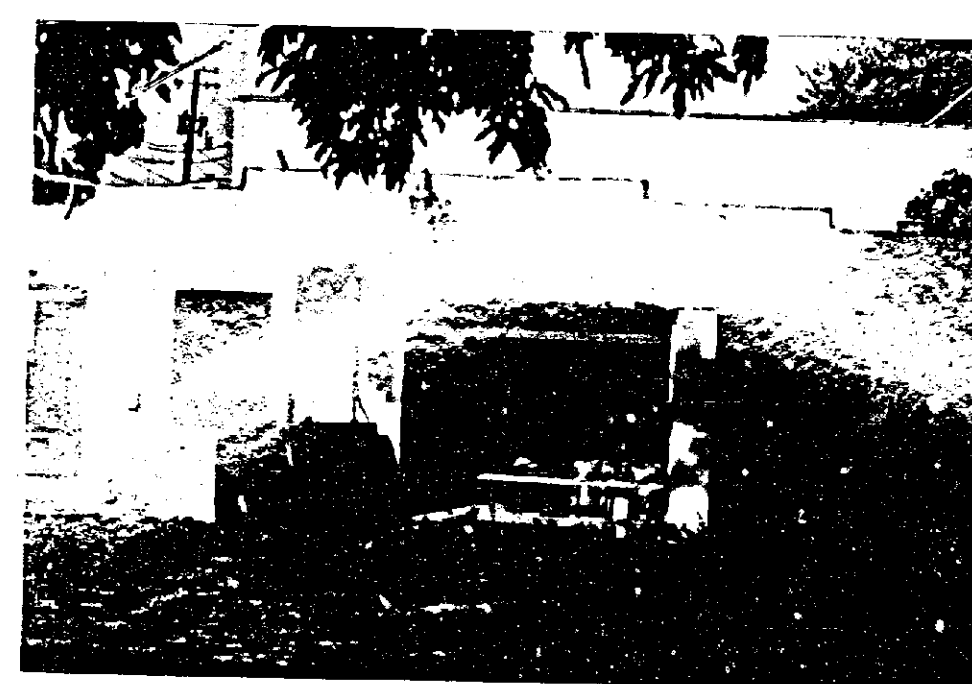
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Sept 22, 1988

Price \$7.00
PO# 05090
Reg# M20312
THE JEFFERSONIAN,
Publisher

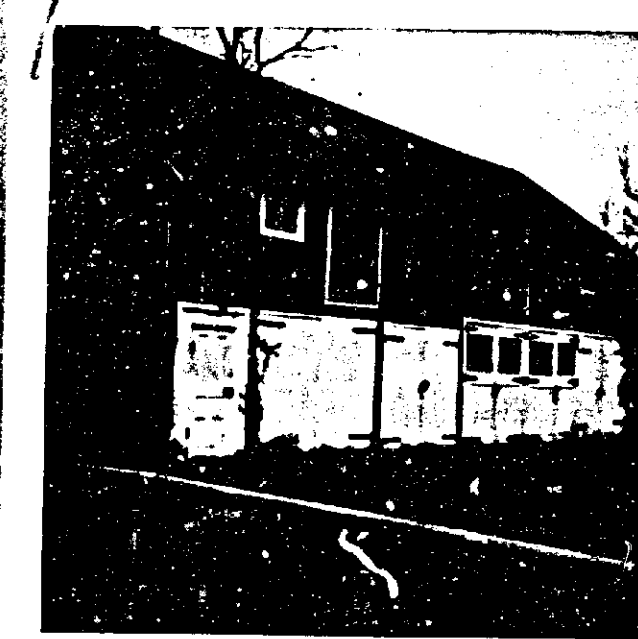
PETITIONER(S) EXHIBIT (2)



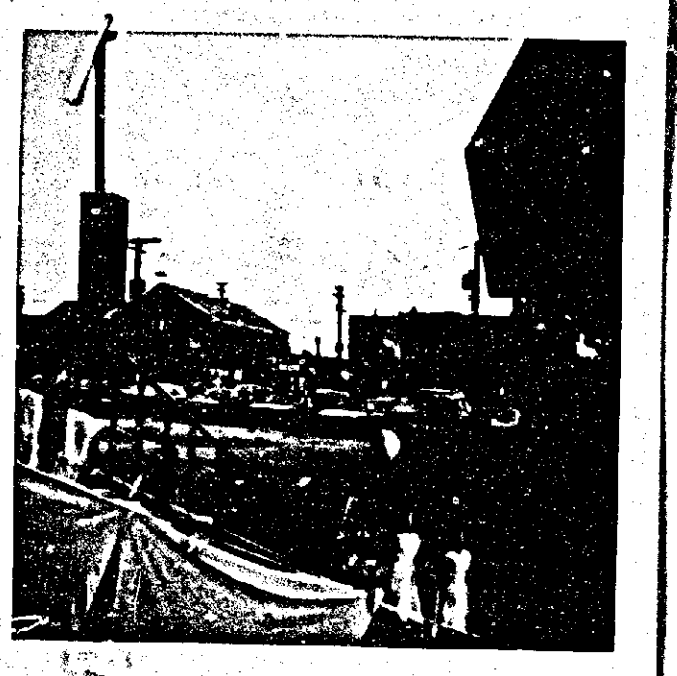
PETITIONER(S) EXHIBIT (2)



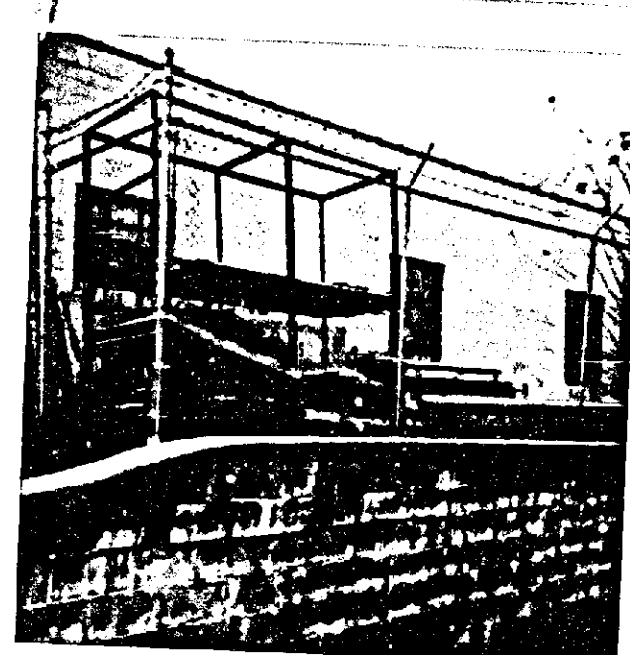
PETITIONER(S) EXHIBIT (3)



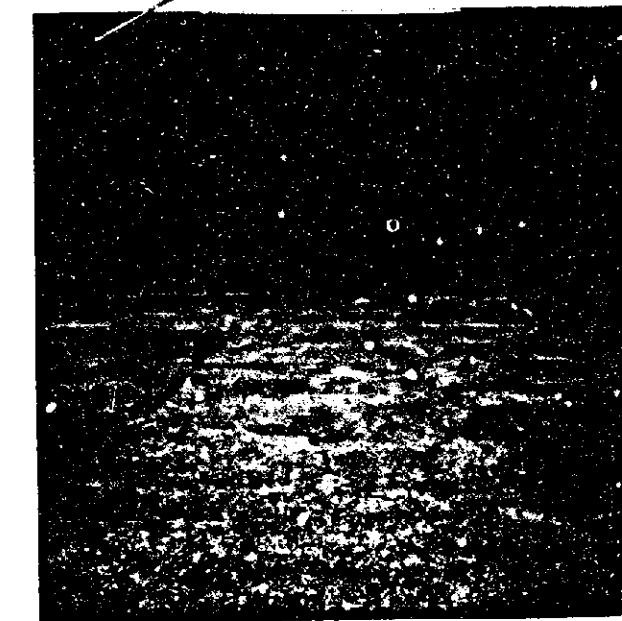
PETITIONER(S) EXHIBIT (3)



PETITIONER(S) EXHIBIT (3)



PETITIONER(S) EXHIBIT (3)



We, the undersigned, do not have any objection to Carjo Auto Care continuing its present operation for as long as John Cesar deems it necessary.

Carjo Auto Care has been an ongoing business since August, 1987 and since that time, it has not caused any problems in our neighborhood.

It has been a clean and well-maintained business and it has not adversely affected our lives or changed the quality or character of our neighborhood in anyway.

Since August, 1987, when Carjo Auto Care began its operation, we also feel that our health, safety and general well-being has not been or will not be changed or affected by this business.

John Cesar
115 Eggs Ln - 21228

Barlene Collins
17 Cypress - 21228

James H. Hester
1104 Eggs Ln 21228

James H. Hester
1104 Eggs Ln 21228

James H. Hester
1104 Eggs Ln 21228

James H. Hester
1104 Eggs Ln 21228

James H. Hester
1104 Eggs Ln 21228

James H. Hester
1104 Eggs Ln 21228

James H. Hester
1104 Eggs Ln 21228

James H. Hester
1104 Eggs Ln 21228

James H. Hester
1104 Eggs Ln 21228

James H. Hester
1104 Eggs Ln 21228

James H. Hester
1104 Eggs Ln 21228

James H. Hester
1104 Eggs Ln 21228

James H. Hester
1104 Eggs Ln 21228

James H. Hester
1104 Eggs Ln 21228

James H. Hester
1104 Eggs Ln 21228

James H. Hester
1104 Eggs Ln 21228

James H. Hester
1104 Eggs Ln 21228

James H. Hester
1104 Eggs Ln 21228

James H. Hester
1104 Eggs Ln 21228

James H. Hester
1104 Eggs Ln 21228

James H. Hester
1104 Eggs Ln 21228

James H. Hester
1104 Eggs Ln 21228

James H. Hester
1104 Eggs Ln 21228

James H. Hester
1104 Eggs Ln 21228

James H. Hester
1104 Eggs Ln 21228

James H. Hester
1104 Eggs Ln 21228

James H. Hester
1104 Eggs Ln 21228

James H. Hester
1104 Eggs Ln 21228

James H. Hester
1104 Eggs Ln 21228

James H. Hester
1104 Eggs Ln 21228

James H. Hester
1104 Eggs Ln 21228

James H. Hester
1104 Eggs Ln 21228

James H. Hester
1104 Eggs Ln 21228

James H. Hester
1104 Eggs Ln 21228

James H. Hester
1104 Eggs Ln 21228

James H. Hester
1104 Eggs Ln 21228

James H. Hester
1104 Eggs Ln 21228

James H. Hester
1104 Eggs Ln 21228

James H. Hester
1104 Eggs Ln 21228

12/12/88

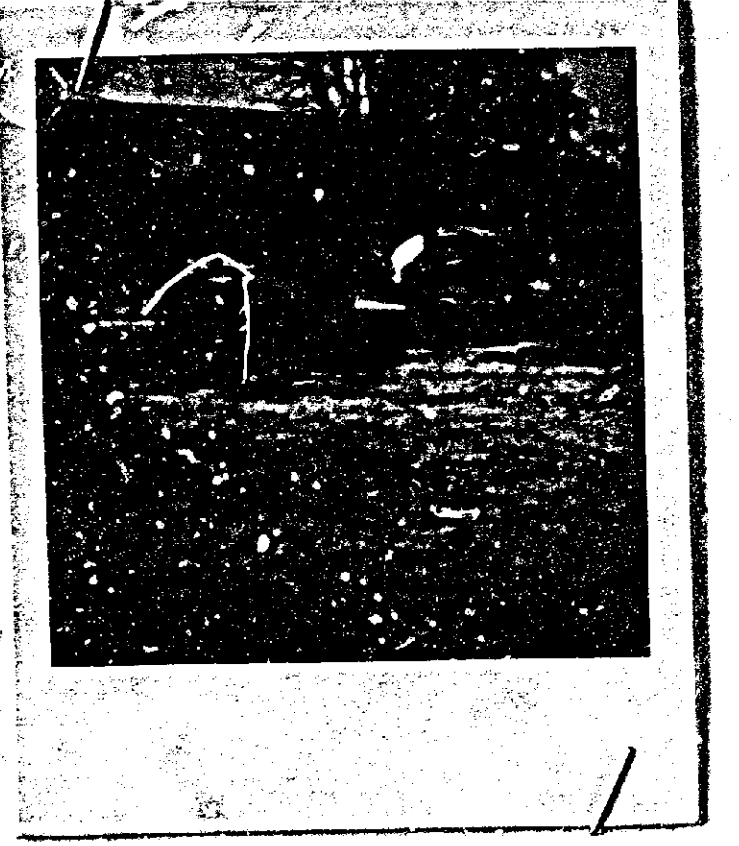
My Comm.

Expires July 1, 1990

John E. Shea

PETITIONER'S
EXHIBIT 4

PROTESTANT(S) EXHIBIT (1)



PROTESTANT(S) EXHIBIT (1)



PROTESTANT(S) EXHIBIT (1)



PROTESTANT(S) EXHIBIT (2)



PROTESTANT(S) EXHIBIT (2)



PROTESTANT(S) EXHIBIT (2)



89-139-X

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204Your petition has been received and accepted for filing this
24th day of August, 1988.Petitioner: John Charles Gilbert
AttorneyReceived by: J. Robert Haines
Chairman, Zoning Plans
Advisory CommitteeBaltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500Paul H. Rencke
Chief

September 7, 1988

J. Robert Haines, Zoning Commissioner
Office of Planning & Zoning
Baltimore County Office Building
Towson, Maryland 21204

Re: Property Owner: John Charles Gilbert

Location: W/S Egges Lane, 112' NW of c/l of Melrose Avenue

17 Egges Lane

Item No.: 34

Zoning Agenda: Meeting of 8/23/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: C.H. [Signature] 9-7-88
Planning Group
Special Inspection Division

NOTED & APPROVED:

Fire Prevention Bureau

/s/

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCETO: James E. Dyer
Zoning Supervisor

DATE: November 2, 1988

FROM: James H. Thompson
Zoning Enforcement CoordinatorRE: Item No. 34/89-139-X (if known)
Petitioner: Gilbert (if known)

VIOLATION CASE # C-88-2355

LOCATION OF VIOLATION 17 Egges Lane

DEFENDANT John C. Gilbert

ADDRESS 2415 N. Rolling Road Baltimore, MD 21207

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME ADDRESS
Paul Stack 36 Melrose Avenue
Baltimore, MD 21228

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

eoh/

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 10, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

ooo

Mr. John Charles Gilbert
2415 North Rolling Road
Baltimore, Maryland 21207RE: Item No. 34 - Case No. 89-139-X
Petitioner: John Charles Gilbert
Petition for Special Exception

Dear Mr. Gilbert:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:dt

cc: Smith Miller Associates, Inc.
13054 Tarragon Road
Reisterstown, Maryland 21136

APPEAL

Petition for Special Exception
W/S Egges Lane, 112' NW of the c/l of Melrose Avenue
(17 Egges Lane)
1st Election District - 1st Councilman's District
JOHN CHARLES GILBERT - Petitioner
Case No. 89-139-X

Petition for Special Exception ✓

Description of Property ✓

Certificate of Posting ✓

Certificate of Publication ✓

Entry of Appearance of People's Counsel (None Submitted) ✓

Zoning Plans Advisory Committee Comments ✓

Director of Planning & Zoning Comments (None Submitted) ✓

Petitioner's Exhibits: 1) Plat to accompany Petition ✓

2) Four (4) 3" x 5" photographs of location ✓

3) Eight (8) Polaroid photographs of location ✓

4) Petition from residents in support of Petition for Special Exception ✓

Protestant's Exhibits: 1) TWO (2) Polaroid photographs of location ✓

2) Five (5) 3" x 5" photographs of location ✓

Deputy Zoning Commissioner's Order dated January 13, 1989 (Denied) ✓

Notice of Appeal received February 13, 1989 from Francis Lanasa on behalf of the Petitioner and John S. Cezar, Tenant. ✓

cc: John Charles Gilbert, 2415 N. Rolling Road, Baltimore, Md. 21207

*Francis Lanasa, 10 South Street, Baltimore, Md. 21202

George Kosner, 15 Egges Lane, Baltimore, Md. 21228

Mr. & Mrs. John S. Cezar, 3723 Lochearn Drive, Balto., Md. 21207

Paul E. Stack, Central Catonsville Neighborhood Association
P.O. Box 9434, Catonsville, Md. 21228

Mr. Brian Nippard, 27 Egges Lane (#2), Catonsville, Md. 21228

Ms. Shirley Nippard, 11550 Homewood Road, Ellicott City, Md. 21043

Lewis S. Nippard, 3701 Court House Drive, Ellicott City, Md. 21043

James W. Mohler, 7 Somerset Road, Catonsville, Md. 21228

People's Counsel., Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nastarowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
Docket Clerk
Arnold Gablon, EsquireBaltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3354RECEIVED ZONING OFFICE
DATE: 10/14/88

October 13, 1988

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204Item No. 34:
Property Owner:
Location:
CASE # 89-139-X
Existing Zoning:
Proposed Zoning:
Area:
District:Z.A.C. Meeting: August 23, 1988
John Charles Gilbert
WS Egges Lane 112 feet NW
of Melrose Avenue
B.L. - C.C.C.
Special Exception for a Service Garage
.198 acre
1st Election District

Dear Mr. Haines:

This site should be improved with a standard commercial driveway and entrance.

The existing garage, located at the rear of the site, is built over a storm drain, which may cause problems in the future.

Very truly yours,

Michael S. Flanagan
Traffic Engineer Associate II

MSF/lab

cc: John Charles Gilbert
Smith Miller Associates, Inc.

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
John C. Gilbert	2415 N. Rolling Rd. 21207
John Charles Gilbert	15 EGGES LA 21228
George Kosner	3723 Lochearn Dr. 21207
John S. Cezar	3723 Lochearn Dr. 21207
Carol Cezar	10 South Street 21202
Francis C. Lanasa, Esq.	Baltimore MD 21202

PLEASE PRINT CLEARLY

PROTESTANTS
PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Paul E. Stack, Central Catonsville Neighborhood Association	P.O. Box 9434 Catonsville, MD 21228
Shirley C. Nippard	11550 Homewood Rd. Ellicott City, MD 21043
Brian Nippard	27 Egges Lane Catonsville, MD 21228
James W. Mohler	7 Somerset Road Catonsville, MD 21228
James E. Dyer	304 County Office Bldg., Towson, MD 21204
Arnold Gablon, Esquire	2 Somerset Rd. Catonsville, MD 21228

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL
PROTECTION AND RESOURCE MANAGEMENT9/22/88
DateZoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 34, Zoning Advisory Committee Meeting of August 23, 1988

Property Owner: John Charles Gilbert District: 1

Location: 17 Egges Lane Sewage Disposal: Metro

Water Supply: Metro

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- () Prior to new installation/s of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 494-3775, to obtain requirements for such installation/s before work begins.
- (X) A permit to construct from the Bureau of Air Quality Management is required for such items as spray paint processes, underground gasoline storage tanks (15,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Bureau of Air Quality Management is required for any charcoal-broiler operation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit application for renovations to existing or construction of new health care facilities, complete plans and specifications must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, sauna, whirlpool, hot tub, water and sewerage facilities or other amusements pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Recreational Hygiene Section, Bureau of Regional Community Services, 494-3811.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- (X) If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- () Prior to razing of existing structure/s, petitioner must contact the Division of Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes, ac 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes, ac 494-3768. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, ac 494-3775.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled.
- () Prior to removal or abandonment, owner must contact the Division of Waste Management at 494-3768.
- () Soil percolation tests, have been _____ must be _____ conducted.
- () The results are valid until _____
- () Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test _____ shall be valid until _____
- () is not acceptable and must be retasted. This must be accomplished prior to conveyance of property and approval of building permit applications.
- () Prior to occupancy approval, the possibility of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.
- (X) Others Drainage from interior service bays is to be directed to sanitary sewer via oil separator.

Karin M. Murray

BUREAU OF WATER QUALITY AND RESOURCE
MANAGEMENT

CATONSVILLE 2000, INC.

OFFICERS

Michael L. Deluca
President
Richard W. Decker
Vice President
William Holley
Treasurer
Stephen W. Whalen, Jr.
SecretaryWriter's Phone #: 747-2900
Writer's Address: 2 W. Rolling Crossroads
Suite #213
Catonsville, Maryland 21228

September 27, 1988

DIRECTORS

Thomas E. Booth
Richard W. Decker
Michael L. Deluca
William Holley
Bertha Hanley
Fran Medicus
Harry McGurt
James W. Mohler
Lucas Mosberger
Craig O'Donnell
Paul Stack
Henry Stansbury
Jean Walsh
Stephen W. Whalen, Jr.

To Whom It May Concern:

Please be advised that, at a meeting of the Board of Directors of Catonsville 2000, Inc., held Wednesday, September 14, 1988, the Board proposed, considered and unanimously passed the following resolution and authorization, a quorum being present.

"Any one or more of the following Board members shall be and is hereby authorized to represent the position of Catonsville 2000, Inc. to any planning, review or zoning board or commissioner or appeals board of Baltimore County, including representation at any CDC meeting, variance, special exception or special hearing, or any appeal thereof, on any issue involving Catonsville 2000's designated study area of postal zip code 21228 (Catonsville), south of Baltimore National Pike:

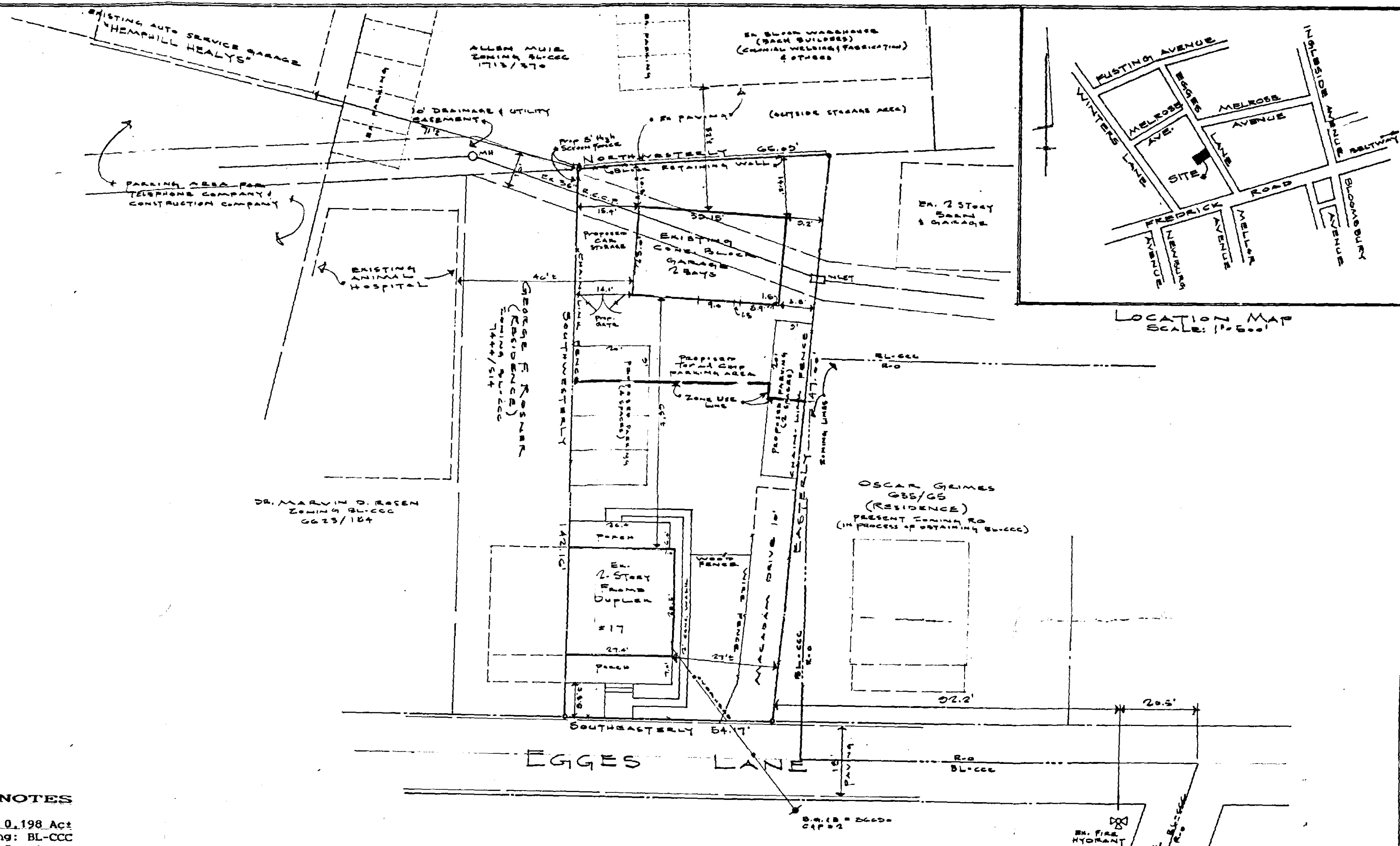
Jean Walsh
Fran Medicus
Thomas Booth
James Mohler"

Entered into the minutes of the Board meeting of September 14, 1988, and hereby certified to be true and correct on the date first written above:

Attest: [Signature]
Stephen W. Whalen, Jr.
Corporate Secretary (SEAL)

STANDING COMMITTEES

LAND USE PLANNING
Henry Stansbury
ChairmanTRAFFIC & PARKING
Harry McGurt
ChairmanSTREETScape & ARCHITECTURE
Fran Medicus
ChairmanRESOURCE MATERIALS
Stephen W. Whalen, Jr.
ChairmanADVISOR TO THE BOARD
William H. Harty
Joe Jones
Baltimore County
Office of Community Planning



GENERAL NOTES

1. Area of site: 0.198 Acs
2. Existing Zoning: BL-CCC
3. Existing use: Service Garage, APARTMENTS + RESIDENTIAL STORAGE
4. Existing Service Garage: 897 S.F.
5. Existing Apartment: front 1/2 of dwelling - 2 Stories
6. Existing Apt. : rear 1/2 of dwelling - 2 Stories
7. Parking calculations:
 - a). Ex. Service Garage 897 S.F. + 300 = 3
 - b). APARTMENTS: 1.5 SPACES/UNIT x 2 UNITS = 3
- Total required on site: 6
- Total proposed on site: 8
- c). Ex. Apartment: 2 spaces available on Egges Street
8. Ex. Garage to be utilized for restoration of small cars and for general light service garage work.
9. Damaged and disabled vehicles shall be stored only in an enclosed area south of the existing service garage in accordance with section 405A of the Baltimore County Zoning Regulations.
10. Adjacent properties 70' from rear corner are zoned BL-CCC with special exception for service garage.
11. Deed Ref: 1805/121

PLAT TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION FOR

LIGHT SERVICE GARAGE WORK

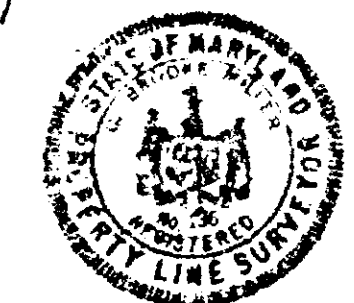
17 Egges Lane
1st Election District
Catonsville, Maryland

OWNER/APPLICANT
John C. Gilbert
2415 N. Rolling Road
Baltimore, Maryland 21207

July 7, 1988
REV. JULY 10, 1988 (COUNTY COMMENTS)

Scale: 1"=20'

SMITH MILLER ASSOCIATES, INC.
Registered Land Surveyors
13054 Tarragon Road
Reisterstown, Maryland 21136
(301) 833-5905



PETITION
EXHIBIT 1

#34